

Planning Staff Analysis

PD25-0004a/ Brush Creek Center

City Council District #4

REQUEST:

Rezone approximately 2.633 acres from Residential 1 (R1) District to Overlay Planned Development – Suburban Corridor District (PD-SC).

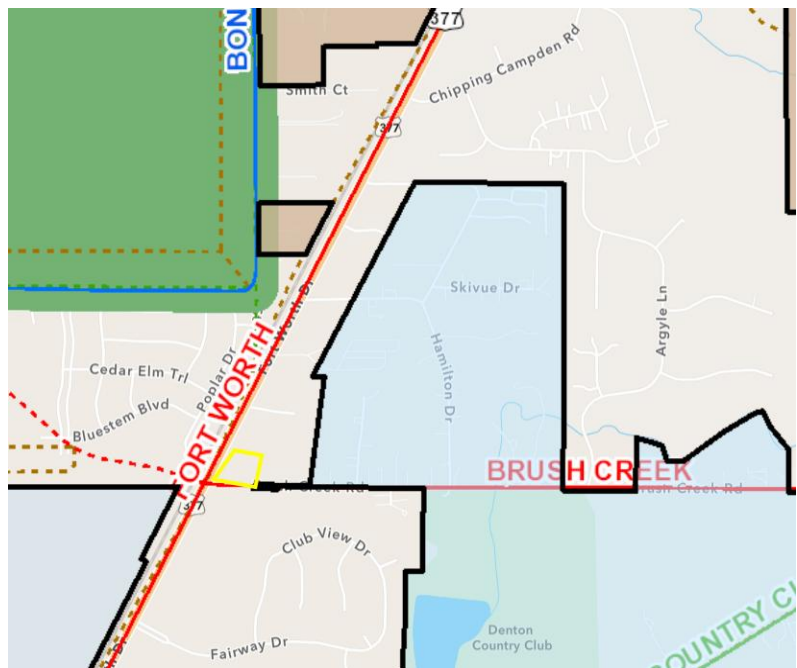
SITE DATA:

The subject property is being proposed for a rezoning from Residential 1 (R1) District to an Overlay Planned Development (PD) District with a Suburban Corridor (SC) base zoning district in order to facilitate the use and development standards of a commercial development. The intent of the rezoning proposal is to facilitate the development of a future commercial development on approximately 2.633 acres. The subject property is part of a larger 18.07-acre parent tract. Approximately 15.44 acres of the parent tract located northeast of the subject property was recently rezoned to Planned Development – Residential 4 (PD-R4). The 15.44-acre portion of the parent tract is not included in this request and is developing independently. The site has frontage on both US 377 (Fort Worth Drive) and Brush Creek Road, which are both designated as Primary Arterials.

The subject property is unimproved and predominantly consists of open pasture. The area surrounding the subject property consists of a variety of land uses and zoning districts both within the City of Denton and in the Extra Territorial Jurisdiction (ETJ). Immediately to the north, northeast, and east of the site exists the remainder of the parent tract and future residential development within City limits (PD-R4). Further to the north and northeast there exists a variety of commercial uses both in the City and within the ETJ. To the south, southwest and west exists single-family development at a variety of densities and undeveloped tracts of land situated within City Limits.

The general area's street network includes the following:

- **US 377:** US 377 is a north-south road owned and maintained by TxDOT. Per the 2022 Mobility Plan, US 377 is designated as a Primary Arterial. This roadway is planned to be a six-lane undivided roadway and is proposed to be improved as part of the State's work to widen the US 377 corridor. Timing for the improvement of the section of US 377 adjacent to this site is not yet known.
- **Brush Creek Road:** Brush Creek Road is an east-west road situated to the south of the subject property. Per the 2022 Mobility Plan, Brush Creek Road is classified as a Primary Arterial and is intended to be realigned to extend westward from the property, across US 377 and connect to Allred Road, serving as a needed regional east-west connection throughout the southern



portion of the City. This would be a future phase of the City's Capital Improvement Project for Brush Creek Road.

SURROUNDING ZONING AND USES:

Northwest: Zoning: Planned Development (PD) District Use: US 377 and single-family (Sagebrook Phase 1)	North: Zoning: PD-R4 District Use: Undeveloped land (Under Civil Engineering Plan (CEP) and Final Plat Review for single-family subdivision)	Northeast: Zoning: PD-R4 District Use: Undeveloped land (Under CEP and Final Plat Review for single-family subdivision)
West: Zoning: PD District Use: US 377 and single-family (Sagebrook Phase 1)	SUBJECT PROPERTY	East: Zoning: PD-R4 District Use: Undeveloped land (Under Civil Engineering Plan CEP and Final Plat Review for single-family subdivision)
Southwest: Zoning: PD District Use: US 377 and single-family residential (Sagebrook Phase 1)	South: Zoning: R2 District Use: Brush Creek Road and Single-family Residential (Country Club Village)	Southeast: Zoning: R2 District Use: Brush Creek Road and Single-family Residential (Country Club Village)

CONSIDERATIONS:

A. Section 2.4.5.E of the DDC provides approval criteria applicable to all applications.

1. General Criteria

a. Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.

The review criteria were applied as required.

b. The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.

Section 2.7.3.D of the DDC applies to this rezoning to PD request. An analysis of this request per those criteria can be found below in Consideration B.

c. If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.

There are no conflicts between the general criteria and the criteria specific for rezoning to PD requests.

2. Prior Approvals

As discussed in Exhibit 1, a previous zoning request was brought forward to the Planning and Zoning Commission in 2023, but the Commission recommended denial and indicated that a PD zoning may be more appropriate for the property to account for neighborhood concerns expressed at the public hearing. Following recommendation of denial, a new request for rezoning to PD-R4 was brought forward and approved for 15.44 acres of the parent tract located to the northeast of the subject property. The requested PD overlay for the remainder of the parent tract would work in tandem with the already approved PD-R4 to ensure compatible land uses are developed at this location.

3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

The decision-making authority:

a. *Shall weigh competing goals, policies, and strategies.*

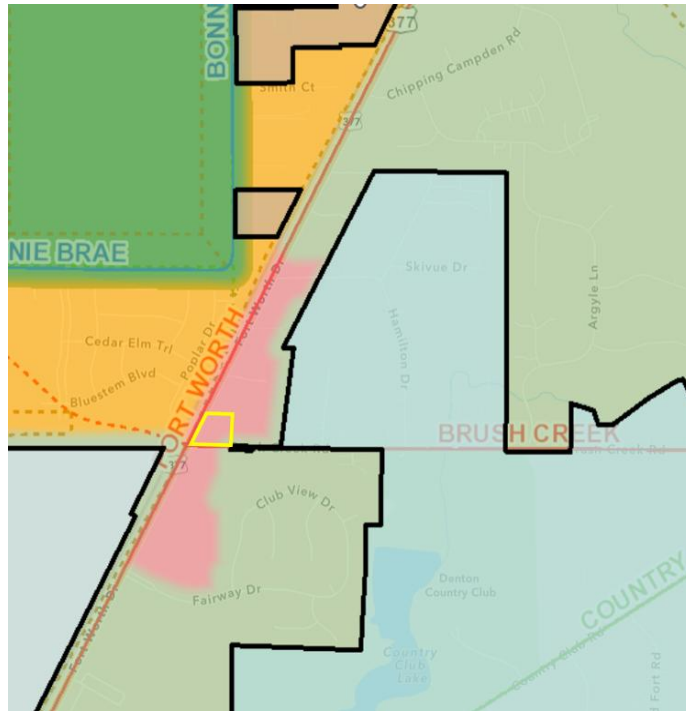
There are no competing goals or policies within the Comprehensive Plan that affect this property.

b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

Per the Denton 2040 Comprehensive Plan Future Land Use Map (FLUM), the subject property is predominantly designated as Neighborhood Mixed Use. Neighborhood Mixed Use (shown in pink on the inset map below) applies to neighborhoods or districts where the predominant use is residential, but with a mix of compatible housing types and densities along with local-serving, non-residential retail and service uses. Such use mixes are typically found in established neighborhoods in the city's core that accommodate local services. This designation is also applied in areas of future development suited primarily to single-family development, but where neighborhood-serving retail and services are critical to achieving balanced, accessible neighborhoods. Buildings should be appropriately scaled and have an intensity that complements the surrounding neighborhood and environment.

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The SC District is consistent with the goals of the Future Land Use Designation of Neighborhood Mixed Use as it is intended to provide a variety of commercial land uses and professional services necessary to allow for neighborhood-serving



development patterns critical to achieving balanced, accessible neighborhoods along the US 377 Corridor. While the SC Zoning District is intended to provide moderate- to high-intensity commercial, office, and retail uses along high-traffic corridors, the Overlay Planned Development expressly prohibits the most intensive land uses otherwise allowed in the SC District (see list in Exhibit 6), ensuring compatibility between future commercial uses and single-family

residential in the vicinity. Furthermore, situating the SC Zoning District at the intersection of two Primary Arterials allows for the site to be easily accessible to existing and future developments in the region.

It should be noted that while the subject property is primarily designated as Neighborhood Mixed-Use, the southeastern portion of the site has a Future Land Use Designation of Rural Areas (shown in light green in the inset map), which is predominantly intended for farms and ranches, as well as large-lot residential (one unit per five acres). This designation is reflected on the subject property to show the transition that occurs between the Neighborhood Mixed-Use designation along Highway 377 and the adjacent rural residential development. The property immediately east of the parent tract is situated in the City's ETJ, and therefore designated as Rural Areas

Preferred Land Preservation Plan

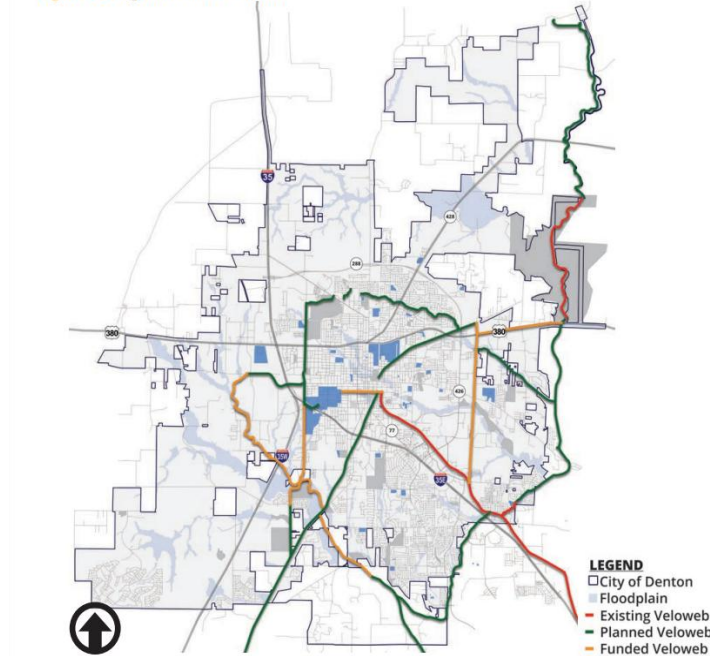
The site does not contain any Environmentally Sensitive Areas or other areas identified for possible preservation and is therefore not inconsistent with the goals of the Preferred Land Preservation Plan.

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Parks, Recreation, and Trails System Master Plan

The Trails chapter of the City's Parks, Recreation and Trails Master Plan is intended to take inventory of Denton's existing trails, assess the network, provide design guidelines for facilities, and create system wide recommendations. This chapter includes the Regional Veloweb, an expansive network of paved, off-street, shared-use paths planned throughout the Dallas-Fort Worth metroplex that can accommodate multiple user groups including bicyclists, pedestrians, and other non-motorized modes of transportation is identified. The subject property is situated along an identified Planned Veloweb Trail. As part of the Overlay Planned Development, the development standards require the applicant to maintain a

Figure 6.4 Regional Veloweb Trails



minimum 9-foot-wide shared-use path within the northbound shoulder of US 377 from Brush Creek Road traversing the length of the western property boundary. The assurance that this already used path will be maintained regardless of the development of this property will allow regular non-motorized road users continuity of travel access until such time the Veloweb network is completed.

4. *Compliance with this DDC*

- a. *The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

This request is for a rezoning to an Overlay Planned Development district with a SC base zoning district. The proposed Development Regulations provided in Exhibit 6 indicate an intent to develop in accordance with the 2019 DDC except for specific deviations as outlined in the document, which are further summarized in the table in Exhibit 1. The primary changes proposed with the PD are use restrictions, modified refuse enclosure requirements, and landscaping requirement changes.

- b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

Compliance with the DDC has been analyzed at the level of detail necessary for an Overlay Planned Development. Pending approval of this request and the associated Development Standards (Exhibit 6), additional review for full compliance with the DDC will also take place at submittal of the zoning compliance plan, civil engineering plan, plat and building permit applications.

5. *Compliance with Other Applicable Regulations*

The PD regulations document indicates that the development will comply with all provisions of the 2019 DDC other than those deviations proposed in Exhibit 6. Otherwise, the development will be required to comply with the DDC, the City's criteria manuals for roadway, utility, and drainage improvements, as well as TxDOT requirements.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements applicable to the site.

7. *Minimizes Adverse Environmental Impacts*

The Official ESA Map and Preferred Land Use Preservation Plan show there are no environmentally sensitive areas associated with the subject property.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed commercial development use is consistent land patterns expected to be situated along the US 377 corridor and would not introduce incompatible activities to the area. While SC allows a variety of land uses by right and with approval of a Specific Use Permit, the proposed Development Standards expressly prohibit the following land uses: Multifamily Dwelling, Elderly Housing, Outdoor Recreation Facility, Laundry Facility, Self-Service, Building Materials and Supply Store, Smoke Shop, Major Automotive Repair facility, Craft Alcohol Production Facility, Artisan Manufacturing, Food Processing (less than and greater than 2,500 square feet), Low-Impact Manufacturing, Self-Storage, Warehouse and Wholesale Facility, Temporary Storage of Shipping Containers, Concrete Batch Plant, and Special Event Use.

Additionally, the site's design minimizes potential impacts for the nearby properties, including:

- Additional requirements for refuse enclosure locations, requiring all enclosures to be located a minimum of 75-feet away from any residential structure.
- Right-of-way screening standards, stipulating a minimum 10-foot-wide landscape buffer along the northbound shoulder of US 377 outside of the TxDOT right-of-way and public utility easements.

9. *Minimizes Adverse Fiscal Impacts*

The Fiscal Impact Tool was used to analyze the proposed rezoning and the summary results are provided as Exhibit 8. The Fiscal Impact Summary indicates that the proposal will result in a net impact of \$17,616,400 to the General Fund over a 40-year project duration. It is important to note, the Fiscal Impact Tool is designed to provide preliminary economic projections for a proposed development but is not a comprehensive fiscal impact analysis tool. As tenants have not yet been determined for this development, the assumptions for general retail were used in completing this analysis.

10. *Compliance with Utility, Service, and Improvement Standards*

This proposed rezoning will not negatively affect utilities, services, or other improvements, as the subject property will be served by existing utilities and infrastructure.

11. *Provides Adequate Road Systems*

The subject property is located along Brush Creek Road and US 377, both of which are classified as Primary Arterials. The applicant submitted a Traffic Impact Analysis

(TIA) for the initial zoning case (Z22-0022). As part of the 2022 TIA request, the site assumed 25,500 sq ft of commercial space. It is now estimated the site will develop as a 13,500 sq ft commercial use. The developer will defer further TIA Addendums until the ultimate configuration of the building has been determined. Additional details regarding perimeter street improvements can be found in Section B.7 below.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning will not negatively affect public services and facilities. Adequate public services are available to serve the development. The proposed development will tie into an existing 8" water line to situated north of the proposed development, and a 15" gravity sanitary sewer line situated to the south and along Brush Creek Road.

13. *Rational Phasing Plan*

The proposed commercial development is to be developed as one phase. The remainder of the parent tract located northeast of the subject property is not a part of this PD request and is developing independently.

B. Section 2.7.3.E of the DDC states that an application for a rezoning to PD district may be approved based on the following conditions:

1. *Complies with the goals of the Comprehensive Plan.*

As was indicated above, the Future Land Use designation for the subject property is primarily Neighborhood Mixed Use. The development is generally consistent with the Comprehensive Plan's goals as detailed under Criterion A.3 above.

2. *Complies with the goals of relevant Area Plans.*

There are no Area Plans relevant to the subject property.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD zoning document, the PD development standards document, and in the PD development plan map.*

The proposed PD Regulations indicate an intent to comply with all aspects of the DDC other than those deviations expressly identified in Exhibit 6. These proposed deviations are summarized in the table provided in Exhibit 1.

4. *Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in the PD district.*

Under the current zoning of R1 District, the property could be developed with any uses permitted within that district, including single-family dwellings, community homes, religious assembly, school, or indoor/outdoor recreation facilities. The minimum lot size is 32,000 square feet in R1.

The proposal is for an Overlay PD with a base zoning of SC District. By right and with an SUP, the SC District allows a variety of commercial uses. As part of this Overlay Planned Development, the applicant is proposing a number of development standards to ensure the site develops in a manner that is consistent with the overall region and removes some of the more intensive land uses from consideration.

The PD Overlay provides the following development standards that meet or exceed the DDC standards:

- DDC Standard: The SC District provides for a variety of land uses, as outlined in DDC Subchapter 5.
 - Overlay PD Standard: The following land uses shall be expressly prohibited:
 - a. Multifamily Dwelling
 - b. Elderly Housing
 - c. Outdoor Recreation Facility
 - d. Laundry Facility, Self-Service
 - e. Building Materials and Supply Store
 - f. Smoke Shop
 - g. Major Automotive Repair facility
 - h. Craft Alcohol Production Facility
 - i. Artisan Manufacturing
 - j. Food Processing (less than and greater than 2,500 square feet)
 - k. Low-Impact Manufacturing
 - l. Self-Storage
 - m. Warehouse and Wholesale Facility
 - n. Temporary Storage of Shipping Containers
 - o. Concrete Batch Plant
 - p. Special Event Use
 - DDC Standard: Right-of-way screening shall be provided between the front-most row of parking and the street. Screening area shall begin at the back edge of either the right-of-way or public utility easement, as necessary to prevent encroachment into those areas.
 - Overlay PD Standard: The applicant shall provide a minimum 10-foot-wide landscape buffer along the northbound shoulder of US 377. The buffer shall be parallel to and outside of the TxDOT right-of-way and public utility easements.
 - DDC Standard: Containers for commercial solid waste and recycling service shall be screened from public view. Refuse containers that are not visible to the public are not required to be screened.
 - Overlay PD Standard: Refuse enclosures shall be situated on the subject property such that enclosures are not located within seventy-five (75) feet of a single-family residential structure. The refuse container shall not be located directly in front of the building and shall be opaquely screened from the right-of-way in accordance with DDC Subsection 7.7.8E.
5. *In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding areas.*
- The purpose of this request is to facilitate commercial development. The PD Development Standards propose a base zoning of SC and restrict the permitted activities on site by expressly prohibiting residential land uses, such as Multifamily, as part of this development.
6. *In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended.*
- The proposed zoning of SC in this area of the City, situated along two Primary Arterials, is consistent with the 2040 Comprehensive Plan as well as with the purpose of the SC Zoning as described in the Denton Development Code

Subsection 3.4.1. While the suggested zoning of SC is generally appropriate in the region, the Overlay Planned Development imposes additional restrictions on development of the property by prohibiting several of the medium-to-high-impact uses that would otherwise be allowable in the SC Zoning District to ensure compatibility with the overall region and address concerns expressed by residents of the area. The proposed Overlay PD is appropriate in scale and provides a transition from existing residential and rural development to the east to commercial development along the highway corridor.

The area in the vicinity of the subject property includes low-density residential and some commercial uses to the north, northeast, and east of the site located in City Limits and within the ETJ. To the south and southwest exists single-family development at a variety of densities and undeveloped tracts of land situated within City Limits. Situated to the west of US 377 exists emerging moderate-density single-family development, including the Sagebrook and Dentex developments. As this area continues to develop, and more residential units become available in this portion of the City, the proposed development will provide neighborhood-serving commercial opportunities along the US 377 corridor as well as the future expanded Brush Creek Rd corridor.

7. *The provisions of public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD district.*

Schools

The request is to facilitate the development of a commercial project and thus will not contribute additional students to Argyle Independent School District, which is the school district this is zoned for.

Nearest Fire Station

The subject property is approximately 2.02 miles from Fire Station #7 (4201 Vintage Blvd.) and within the eight minute or less response time boundary.

Water and Wastewater

Public water and wastewater services are available to the site and will be extended throughout the site to serve the subject property. No utility capacity issues have been identified that would affect the proposed development.

Streets

Access and Perimeter Street Improvements

Perimeter street improvements will be required along Brush Creek Road. Brush Creek Road is identified as a Primary Arterial in the City's Mobility Plan, which is required to have a right-of-way width of 135 feet. The applicant will be required to dedicate right-of-way along Brush Creek Road to ensure a half-width of 67.5 feet from the center line.

US 377 is designated as a Primary Arterial in the City's Mobility Plan. This roadway is planned to be a six-lane undivided roadway and is proposed to be improved as part of the State's work to widen the US 377 corridor. At this time, TxDOT's project tracker does not have an estimated start date for the roadway improvements adjacent to the subject site.

Roadway Impact Fees

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation. These will be assessed as part of the permitting process for the development.

Parks

The Park Dedication Ordinance does not apply to commercial development.

8. *The conditions and/or restrictions imposed by the PD District are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

The proposed development is not anticipated to generate any significantly adverse impacts to the surrounding properties or neighborhood. The proposed commercial development is consistent with the existing land use patterns in the area and along the US 377 corridor and would not introduce new or incompatible activities to the area.

As discussed in Criteria B.4 and B.5 above, the proposed PD considers the surrounding development patterns and proposes through the Development Standards land use and site design requirements to ensure the proposed development is compatible with the existing surrounding environment and site design standards are codified to further mitigate any potential impacts between existing and future developments.